



House of Commons
CANADA

Standing Committee on Government Operations and Estimates

OGGO • NUMBER 019 • 2nd SESSION • 39th PARLIAMENT

EVIDENCE

Thursday, March 13, 2008

—
Chair

The Honourable Diane Marleau

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•(0900)

[English]

The Chair (Hon. Diane Marleau (Sudbury, Lib.)): Ladies and gentlemen, today we welcome Justice Gomery.

I don't know whether we can still call you that, but I feel that we should.

The committee has invited Justice Gomery to appear before it to respond to the 19 recommendations that were made, flowing from his report.

As is customary, Justice Gomery, we will give you up to ten minutes to make opening remarks before we open it to questions and answers.

[Translation]

Mr. Gomery, I wish to welcome you before the Committee.

Mr. John H. Gomery (Former Commissioner, Commission of Inquiry into the Sponsorship Program and Advertising Activities, As an Individual): Good morning, Madam Chair.

Good morning, everyone.

[English]

I thank you for your invitation to be here. It's an invitation that is difficult to refuse. It is gratifying to me to know that members of Parliament are interested in the report and recommendations that were made about two years ago by the commission of inquiry over which I presided.

Let me begin by giving you some background, and I hope you'll forgive me if I take time to say things that you may already know.

By an order in council dated February 19, 2004, I was given the task of conducting an inquiry into the sponsorship program and advertising activities of the Government of Canada, which had been the subject of a very critical report by the Auditor General of Canada.

The terms of reference expressly required me not only to investigate the facts that caused the mismanagement and corruption dealt with in the commission's first report, which was dated November 1, 2005, but I was also required to make recommendations, based on the factual findings of the first report, on a series of issues that were detailed in the terms of reference. They included the respective responsibilities and accountabilities of ministers and public servants, as recommended by the Auditor General; whistle-blowing; access to information legislation; and "the adequacy of the

current accountability framework with respect to Crown corporations".

Finally, the commission was asked—and I think this goes to the heart of what was required of it—to make recommendations to prevent mismanagement of this kind happening in the future.

Although the first part of the commission's mandate was to investigate what had gone wrong and to identify who was responsible for the errors and mismanagement that had been uncovered, this part of the commission's work drew a huge amount of public and media attention. But I always thought that in the long run the second part of our mandate was more important, because no one can change the past, but we can learn from past errors and take steps to avoid them in the future. And I thought that was the principal purpose of the commission of inquiry.

So even while the commission was completing the first part of its mandate by public hearings and the preparation of its report, we were working very hard on the second part.

Because I have never pretended to be an expert in matters of public administration, I recruited some of the best minds in all of Canada to work with me and for the commission. They formed an advisory committee composed of prominent Canadians with broad and varied experience in public policy.

I also engaged the services of Dr. Donald Savoie, a professor at the University of Moncton and a very respected authority on Canadian government. He directed a research program that resulted in the preparation of 17 studies by prominent academics on various subjects related to our mandate.

These studies, which assisted me very greatly in the preparation of the recommendations, are appended to the second report, dated February 1, 2006. And in case you haven't seen them, here they are. I think they are a notable contribution to the literature on Canadian government, and they certainly were of assistance to me, as I said.

The advisory committee travelled across Canada and held round-table discussions—I was with them at these times—in a number of cities with groups of experienced and knowledgeable persons whose advice and comments were valuable contributions to our thinking.

The commission sought the opinions of ordinary Canadians through its website, and we were agreeably surprised by the number and quality of the responses.

•(0905)

All of this is to say that the commission's second report and recommendations are not the work of one individual. They represent the accumulated experience and wisdom of noted academics, politicians, former public servants, journalists, and the public in general. I suggest, for this reason, that the report and recommendations deserved the government's attention and careful consideration.

You will also remember that between the date of the first report, which was delivered on November 1, 2005, and the second report, which is dated February 1, 2006, a general election occurred. It resulted in a change of government. The new government had campaigned on a platform that promised that it would, as its first piece of legislation, introduce an accountability act that would deal with the abuses uncovered by the commission's hearings and described in its first report.

The new government kept its promise, and the Federal Accountability Act is the result. That legislation, when it was first proposed, had been, I believe, already drafted and decided upon before the commission's second report was delivered into the hands of the newly elected Prime Minister. Still, I expected that in due course the recommendations contained in our report would at some future time be studied and at least to some degree acted upon.

[Translation]

Unfortunately, that was not the case. I never received any acknowledgment of receipt of my report.

Recommendations 4 and 13 prompted a very negative reaction on the part of an impressive number of officials and others. The Prime Minister announced publicly that those two recommendations would not be followed. I was invited to come to Ottawa shortly after the tabling of my report to meet with the new chairman of Treasury Board in order to discuss my recommendations. But the minister in question indicated to me, during our meeting, that the government's policy was to table as quickly as possible before Parliament its bill, that had already been drafted, and that any implementation of the recommendations contained in the commission's report would be put off until later.

I had expected that any administration would take the time to study, discuss and reflect before doing anything whatsoever. This is the reason why I had recommended that a report on the measures taken as a follow-up to the recommendations be tabled before Parliament within 24 months of receiving the recommendations. That was recommendation 19.

I thought that it was sufficient time to allow for an in-depth study of each of the issues.

[English]

The two-year delay has gone by and no report has been deposited. I'm still waiting to hear what the government thinks of the commission's other recommendations. No one has communicated with me in any way, except your committee, for which I'm grateful.

•(0910)

Some of the recommendations, at least to some degree, were dealt with by the Federal Accountability Act, but the basic problem

described in the report has not been dealt with. That problem is the growing imbalance between the executive side of the government, represented by the Prime Minister and his cabinet, and the legislative side, represented by Parliament.

The report and the academic studies supporting it make the case that over the years there has been a greater and greater concentration of power and authority in the executive, and a corresponding diminution of the role of members of Parliament. This problem is made more acute by the expansion of the Prime Minister's Office, which has grown in size rapidly in recent years and seems to have an ever-increasing influence on government policy and decision-making.

It should be remembered that the political staff in the Prime Minister's Office are not elected. They are not subject to any rules or laws of which I am aware. And they have the ear of the most important and powerful person in Canadian government.

I suggest that this trend is a danger to Canadian democracy, and leaves the door wide open to the kind of political interference in the day-to-day administration of government programs that led to what is commonly called the sponsorship scandal.

The recommendations in the report of February 1, 2006, attempt to remedy this problem. I don't propose to discuss, in these preliminary remarks, each of the 18 recommendations in the report, but I'm happy to do so if you ask me to during questions.

[Translation]

Thank you for your attention and for having listened to me.

The Chair: Thank you, Mr. Gomery.

We are going to begin with questions from the opposition. Mr. Holland, you have seven minutes.

[English]

Mr. Mark Holland (Ajax—Pickering, Lib.): Thank you very much, Madam Chair.

Thank you very much, Mr. Gomery, for appearing before the committee today. Thank you as well for the work you've undertaken on behalf of Canadians to attempt to ensure that accountability, the greatest level of accountability, is brought to government.

•(0915)

Mr. John H. Gomery: That's the first time any person representing the government has thanked me, so I'm very grateful for that.

Some hon. members: Hear, hear!

The Chair: We don't represent the government.

Mr. Mark Holland: I wish we did represent the government; but absolutely, I do thank you, Mr. Gomery.

I would start by saying that your recommendations were met at the time with universal support, all parties saying that they needed to be acted upon immediately. In fact, before your recommendations came forward in the last election campaign, all parties campaigned that they would immediately implement your recommendations, and that they thought they were critical in bringing forward the types of changes we needed to see.

Yet here we are, two years after your recommendations were tabled, with you before our committee essentially telling us that the recommendations have been ignored, that all the rhetoric we heard during the campaigns has been replaced with a complete absence of action.

As my first question, have you ever had occasion to have a conversation with the Prime Minister about your recommendations and how they might be implemented?

Mr. John H. Gomery: I met the Prime Minister on one occasion. It was the day my report was filed, I think February 1, 2006, when I appeared at the press centre. I had agreed to a press conference. I met the Prime Minister by accident—except I don't think it was an accident—on the sidewalk outside. As I was leaving, he was going in, similarly to be questioned by journalists. We had a very brief conversation on the sidewalk, which I think was filmed. He sounded very positive, and said that the report would certainly be studied. I said “That's good; that's all I ask.”

That's the only time I've ever spoken to the Prime Minister.

Mr. Mark Holland: So aside from the photo op when he had said that he would respond positively, not only was there not a further response from him, but have you ever received from his cabinet even a call or a meeting where they talked about implementing your recommendations or what their plan was to implement the recommendations?

Mr. John H. Gomery: As I indicated in my first introductory remarks, I had a call from someone in the office of the President of the Treasury Board, who was Mr. John Baird at the time. He had newly been.... Everybody was sort of new at that time. I responded by going up to Ottawa. I had a very cordial meeting with him, and he had several people on his staff present at that meeting. I don't know to what extent I can describe that meeting, except that, as I said, he indicated that his task, the task that had been assigned to him by the Prime Minister, had been to see to the enactment of the Federal Accountability Act.

Now, I had not even seen a draft of that legislation at that time, so I didn't know what was in it. It was clearly legislation that had been drafted before they received my report. When people say that the Federal Accountability Act is a response to my report, that's incorrect. The Federal Accountability Act was drafted and the decisions as to what it would contain were made long before my report was produced.

Some of the provisions in that legislation were clearly inspired, I think, by some of the revelations that occurred during the commission's hearings and some of them anticipated a few of my recommendations. But because you call a piece of legislation an accountability act doesn't mean, in my view, that it is necessarily the right way to re-establish accountability.

I called my second report “Restoring Accountability”; that is my recipe for how you restore accountability, and it doesn't necessarily correspond to the Federal Accountability Act.

I think the Federal Accountability Act is a fine piece of legislation, which deals in a very positive way with many problems. It's just that I don't think it deals with the main problem.

Mr. Mark Holland: It doesn't deal with the main problems.

To confirm—and I think you have through what you've said—there wasn't any follow-up after your report was tabled. I see you agreeing through your head gestures that there was no follow-up after you tabled your report to get to, as you called them, the key recommendations, the most important changes that needed to be made.

Mr. John H. Gomery: I'll be frank with you, I was just astonished that I didn't get so much as a letter. There was nothing. There hasn't been, and two years have gone by.

● (0920)

Mr. Mark Holland: You also had stated to Kathryn May, who's a reporter, that when you had that conversation with Minister Baird, it seemed that he was more concerned that you would cause fuss or trouble for the government than he was in listening to the recommendations and the things that you were going to follow out of your report. Can you just explain what you meant by that?

Mr. John H. Gomery: Well, one of the things that I recall from that meeting was that Mr. Baird asked me what was the most important recommendation I was making. He said, “Out of the 18, which do you think is the most important?”

That sort of set me back. I responded by saying that I thought they were all important. I didn't think there was a rank of importance. I thought it was a package and that all of the recommendations were important. I wasn't prepared to say, well, you can look at this one and forget about all the rest of them. I thought that each and every one of the recommendations was important for the reasons that I have explained in the report.

It was clear to me; he made it clear.... Then he asked a few questions about what I would do about implementing the report. I responded to him by saying that I was still a judge of the Superior Court at that time. After the commission was over, I went back to the bench and started hearing cases, and I reassumed what we call the judicial reserve, which means that judges don't comment publicly on any matter.

I did point out to him that by the time the two years were up, I would no longer be a judge and I would be free of that judicial reserve. That's why I permit myself to come here and appear before you. I'm able to make comments that a judge would not be advised to make.

The Chair: Thank you very much, Mr. Holland.

Madame Bourgeois.

[Translation]

Ms. Diane Bourgeois (Terrebonne—Blainville, BQ): Thank you, Madam Chair.

Good morning, Mr. Gomery.

Mr. John H. Gomery: Good morning, Madam.

Ms. Diane Bourgeois: I am very impressed to be meeting with you. You are a wise man who managed to navigate through many things in order to be able to table this report which, as you were saying earlier, somewhat landed in a hole.

I would like to come back to the fundamental problem you were talking about earlier, namely the imbalance between the executive and legislative branches of government. You stated that power is more and more concentrated on the executive side and that you are somewhat exasperated by the expansion of the Prime Minister's Office. That is also our feeling, as a matter of fact. Unelected political staff are not subject to rules, which leaves the door wide open to political interference.

For some months now, this committee has been subjected to interference on the part of the PMO. What should we be doing, in your view, in order to put a stop to this interference from staff and officials?

Mr. John H. Gomery: One of my recommendations was that certain rules be established with regard to the behaviour of political staff. According to the information I have, there exists no such thing at the present time. There is no code of conduct, no training offered to these people. As a rule, these people are recruited after an election among the staff that helped the individual in question get elected. Naturally, they have a certain preference for their employer, but they nevertheless fill political positions.

I have nothing whatsoever against politicians or those who work for them, but I feel that they often do not have the training and are not aware of what an appropriate rule of conduct might be. For example, when a member of the public service receives a phone call from a person who identifies her or himself as being part of the Prime Minister's Office and who requests certain information, the civil servant would have great difficulty in telling the person to mind his or her own business and to no longer call in the hope of exercising some influence. That is virtually impossible. In my view, there should be a rule prohibiting any such phone calls.

• (0925)

Ms. Diane Bourgeois: We nevertheless would have thought, Mr. Gomery, that the Federal Accountability Act would have gone further, would have involved a recommendation or provisions in this regard.

Mr. John H. Gomery: I would have at least liked to have seen some attempt at establishing rules of conduct, for the simple purpose of checking this trend.

Ms. Diane Bourgeois: And there is no such thing in the Act?

Mr. John H. Gomery: I made another recommendation, which went unheeded. It was one of the first. I suggested that some type of code of conduct be established for members of the public service, so as to allow them to determine their rights and at what point they should be able to tell these people to mind their own business. There exists no such rule at present. In certain countries, a type of charter or code protects members of the public service.

I was informed during the course of our hearings that public servants had been placed before a moral dilemma during the sponsorship scandal. Indeed, they did not know what their rights were nor beyond what stage they could refuse to follow directives that proved to be illegal.

Ms. Diane Bourgeois: Mr. Gomery, I would like you to answer my final question as a Canadian citizen, but also as a wise judge.

During the election campaign, much was made of the scandal surrounding the sponsorships. You touched upon this a little earlier. You stated that the Federal Accountability Act had even been drafted during the election campaign. It is however not being applied. Is it your view that it was a simple electioneering manoeuvre?

Mr. John H. Gomery: I will leave it up to the Canadian people to answer that question.

Ms. Diane Bourgeois: But, you did answer that...

Mr. John H. Gomery: I understood you full well and have chosen not to answer.

Ms. Diane Bourgeois: Very well, Mr. Gomery.

Thank you very much.

The Chair: Thank you, madam Bourgeois.

Mr. Angus.

[*English*]

Mr. Charlie Angus (Timmins—James Bay, NDP): Thank you, Mr. Gomery.

The Chair: Sorry, I've missed the Conservatives. I wouldn't want to do that.

Mr. Kramp.

Mr. Charlie Angus: I thought they had given up their spot.

The Chair: I don't think so.

I'm very sorry about that.

Mr. Kramp indicated that he was going to speak first.

Mr. Daryl Kramp (Prince Edward—Hastings, CPC): Thank you, Madam Chair.

Justice Gomery, welcome.

Mr. John H. Gomery: Good morning, sir.

Mr. Daryl Kramp: I speak personally, and I believe I speak on behalf of the Government of Canada and a broad section of parliamentarians, when I say we certainly appreciate the fine work that you, the entire committee, and your counsel completed in uncovering the enormous Liberal scandal. Without being partisan, this obviously served an important role in not only seeing what the problem was, but in your recommendations. I and many people have been exposed to your recommendations, and Canadians have been well served by them.

You made reference to the Federal Accountability Act as if it had been done in advance of your recommendations, but I can assure you, from a number of opposition members and government members sitting here who worked on the accountability campaign and the accountability issue—Bill C-2—that your recommendations and thoughts were totally well received with a great deal of diligence and concern. Either by word or in principle, eight of your 19 recommendations have been readily accepted, for the most part. That's a recognition of the fine work you did along with your group.

I served on the public accounts committee prior to this committee, and I notice you made a number of recommendations directly with reference to the work, capacity, and responsibility of the public accounts committee. But I might suggest that four of the recommendations you made regarding the public accounts responsibilities and course of action cannot be implemented by government. They have to be implemented through the parliamentary process, and not by unilateral action of the government—by the public accounts committee and the recommendations they make to Parliament. So we're working our way through your 19, but that committee will have to deal with those four recommendations. We've seen some advancement in that case as well.

On the other six recommendations that have remained admittedly unaddressed, some concerns and reservations have been expressed by a broad section of eminent Canadians. You would be familiar with the Ehrenworth letter. It was a letter that was sent to the Prime Minister, and made public to Parliament, from a large group of eminent Canadians. It was distributed to the chairs of all the committees with the suggestion that these eminent Canadians had some differences of opinion about your interpretation of Parliament versus government responsibilities.

I would like to mention a few of these people, because I think their credibility speaks for itself. Though they're certainly not questioning your assessment of these issues, they also bring a broad scope and range of experience that we as a government, and most importantly Parliament, have to recognize. You weigh your decisions as a justice based not on one testimony or one witness; you want to get the whole broad text of any issue. So it's incumbent upon you to gain as much input as you can, and we as a Parliament—whether in government or opposition—have that same responsibility.

A number of recommendations were forwarded from that group of eminent Canadians. I'll give three or four that you may wish to comment on. They talk about the proposal that the public service should assert a constitutional identity independent of elected governments; a new system for the appointment of deputy ministers; and a change in the role of the Clerk of the Privy Council. These are pretty heady, major changes. But they state:

We are opposed to increasing the powers of unelected officials at the expense of Ministers.

In addition, for this proposal to be workable, it would be necessary to effect a clear separation between the roles of Ministers and officials.

• (0930)

In the public accounts committee we went through a lengthy study regarding the responsibilities of ministers and deputy ministers. So this has been a long evolutionary process, not only for this government, but for many governments in the past.

Mr. John H. Gomery: Allow me to interrupt you, because I've been waiting for a chance to jump in.

Since you mentioned that issue, and you talked about a long evolution, permit me to point out that the recommendation I made about the accountability of deputy ministers echoed almost word for word a recommendation made in 1978 by the Lambert commission. It has been repeatedly recommended to the government that this system change. It is almost unique in the western world that the

deputy ministers never have to answer a question. They speak only for their minister. They never speak for themselves.

I thought that since this issue had been cooking since 1978, maybe it was time for it to be addressed, and I recommended that a certain accountability be required of deputy ministers. The people who wrote to the government and protested against this recommendation all came from the same constituency. So it wasn't unexpected that the recommendation wouldn't be acted upon. It has been consistently recommended to Canadian governments for 30 years. I guess it was too much to hope that they would now get around to dealing with it. I wasn't disappointed, except that once again the issue was dismissed without debate.

• (0935)

The Chair: Thank you, Mr. Kramp.

Mr. Angus.

Mr. Charlie Angus: Mr. Gomery, I'm pleased that you're here this morning. I think Canadians were led to believe that the recommendations brought forth by your commission would actually result in a new way of doing business in Parliament, a way of doing business that the Canadian people could understand and hold to account.

In your recommendations, you had nothing to say about the issue of financing.

Mr. John H. Gomery: I'm sorry, I didn't hear that.

Mr. Charlie Angus: I'm referring to the issue of campaign financing and electioneering, and how that's done. Certainly one of the big issues in getting to the bottom of the sponsorship scandal was to be able to follow the money. In light of the new inquiry into the Mulroney-Schreiber affair, do you feel that you were constrained in your ability to follow the money? Would you have any recommendations for the present inquiry that's getting under way?

Mr. John H. Gomery: Let me explain why I didn't make a recommendation about election financing. It certainly was an issue that had been brought up before the commission, and there was no doubt in my mind that the corruption that was uncovered came about because of a long-standing problem connected with election financing. But before the commission started, I think as part of his legacy, the government of Mr. Jean Chrétien adopted an extensive reform of election expenses and how money could be raised. I thought that the issue had been dealt with by Parliament, and that it was not appropriate for me to make recommendations about an issue Parliament had already dealt with. That's the reason we left it out.

Mr. Charlie Angus: When I look at the recommendations, it seems to me there are three key missing elements: movement on the lobbyist registry; the public appointments commission; and access to information.

With respect to reform, it seems that lethargy has progressed to defiance. The government is not interested and will not move down the road, particularly in respect of the issue of the public appointments commission.

Since the public appointments commission was axed, we've had over 1,000 appointments, many of them questionable and partisan. We had a failed Conservative candidate at the CRTC. We had someone get a job at the Mint who gave money to the finance minister. How important is the public appointments commission in establishing a credible way for a government to do business?

Mr. John H. Gomery: Well, this recommendation we made—that there be some objectivity in the appointment of public officials by the Prime Minister—was clearly a very important one.

We didn't recommend that the right of the Prime Minister to make these appointments should be touched, but we thought there should be some sort of screening of candidates and some sort of a public opening-up to these appointments. So when I read the Federal Accountability Act, I was very pleased to see that they'd created an office that dealt with this recommendation in, I thought, a pretty successful way, except that they've never filled the office.

It's great to enact a piece of legislation, but if you don't implement it, you might as well have saved yourself the trouble.

Mr. Charlie Angus: The argument that's been put forward is that there was only one candidate in the country who should have gotten that job, and since the rest of Parliament didn't see fit to hire that candidate, there's no need for a public appointments commission. Is that a credible argument?

• (0940)

Mr. John H. Gomery: That's too political a question for me to answer. I just deplore the fact that nobody has been appointed.

In the United States, which we look at and which we sometimes admire and sometimes criticize, if the President of the United States, who is generally reputed to be the most powerful person in the world, proposes a candidate for appointment to the Supreme Court of the United States and the Senate decides not to ratify that appointment, the President doesn't go off into a corner and sulk; he makes a second appointment. It seems to me that sometimes the voice of the parliamentarians needs to be listened to.

Mr. Charlie Angus: Thank you.

I was very interested in what you were saying about your concerns about the growing power of the PMO, because we've certainly seen the consolidation of power into the office. You spoke of the role that political staff have. I don't want to involve you in the minutiae of what happens at our committee, but we had a situation in which Dimitri Soudas, who is staff for the Prime Minister, set up a meeting with public servants over a real estate deal. When the public servants were here at the committee, they felt that this real estate deal was strictly a commercial issue, but the PM's office had said it was a political issue, and that's why they had asked a staffer, apparently, to intervene in this case. We never did get an answer from Mr. Soudas as to whether he was flying solo or whether he had the authority of the Prime Minister to call civil servants.

What recommendations would you bring forward to us in order to ensure that political staff are not interfering in areas they have no business interfering in, and that public servants are not feeling unduly intimidated by the staff who work for the Prime Minister?

Mr. John H. Gomery: One of the recommendations, as you know, is to establish a code of conduct for political staffers, which I

don't think exists at the present time. It would be up to the government—and Parliament, I suppose—to decide what provisions that code of conduct would contain, but the objective, I think, would be to eliminate inappropriate political interference in public administration.

I don't think that is the role of the political staffers in the Prime Minister's office, or in any ministerial office. I think the role should be to deal with political questions, not administrative questions.

The Chair: Thank you very much, Mr. Angus; your seven minutes are up.

As a former minister, I want to believe that the public service can give fearless advice, and that whether or not the minister or the Prime Minister likes that advice, it is based on real, concrete evidence. I think that's the best way for government to function. I'm not sure it's always happened that way, but I want to believe it should be that way.

I'm going to go to Madame Folco.

[*Translation*]

Ms. Raymonde Folco (Laval—Les Îles, Lib.): Thank you, Madam Chair.

Mr. Gomery, from what I understand, you yourself offered to appear before the Committee, and I wish to thank you for that. Obviously, I too watched television for quite some time and I must tell you that as a Liberal member of Parliament...

Mr. John H. Gomery: I did not ask to appear.

Ms. Raymonde Folco: Oh no?

Mr. John H. Gomery: No. Mr. Marcotte got in touch with me. It was totally unexpected.

Ms. Raymonde Folco: My apologies. I was not a member of the Committee, and I therefore was not aware. What matters, is that you are here and that you will be able to answer our questions. I would like to add that, as a Liberal MP, I am very grateful to you for having brought to light these illegal practices. Even though our party was greatly hurt, these issues had to be clarified. You have done so, and I thank you.

I read Mr. Donald Savoie's book and I would, if I may, like to make a comment. I note that under the present government, the situation has not changed, or else it has changed for the worse. Indeed, not only is the country being governed from the centre, but a whole culture of secrecy has developed around this way of governing. It is thus even more opaque and distant, not only from the public, but from the legislative arm of the government. I agree with several of the comments you have made.

Having finished with my own, I would like to come back to the matter that interests us here. Do you believe that the Federal Accountability Act, the famous act of the Conservative government, is an appropriate response to the 19 recommendations you have made?

•(0945)

Mr. John H. Gomery: As I indicated, it is not a response, because the bill had been drafted way before the tabling of my report. One cannot answer a question that is yet to be put. However, this Act deals with several of the problems that I underscored in my report and my recommendations, and it is, thus far, an excellent piece of legislation. The fact that it has been called the Federal Accountability Act does not mean that it is necessarily the best way to achieve the accountability that everyone would like to see. As I stated, the fundamental problem remains intact.

Ms. Raymonde Folco: There you have it. That is the main question that must be put, and it must be put to you. You made 19 recommendations; some of them were ratified in a bill that came before your proposals. No matter, some of them already exist. Fine. However, you several times this morning stated that the Federal Accountability Act does in your view not deal with the very heart of the problem.

Could you tell us what the heart of the problem is and why the Federal Accountability Act does not deal with it?

Mr. John H. Gomery: The heart of the problem is that the tendency is towards a political system in which all decisions, be they legislative or executive, are made by a very limited number of individuals. Certain realities must be recognized. The Prime Minister of Canada appoints each and every member of its Cabinet. These individuals therefore owe their limousine, if you want to call it that, to this individual. They owe a certain gratitude to the person who appointed them. That has always been the way.

What distinguishes the Canadian system from others is that the Prime Minister or his office also appoints all of the deputy ministers. These individuals who manage the public service are they too grateful to the Prime Minister for the advantages that go along with their position. That in itself lends itself to a politicization of the public service, which I believe is a bad thing. There should at least be a better system for appointing deputy ministers than that of purely political appointments, done in secret, without any public competition whatsoever. In my report, I mention that the province of Alberta, that does not have the reputation of being a very liberal province, instituted a system of public and open competitions to fill these types of positions. The system works very well, and in a very conservative province.

Ms. Raymonde Folco: There is one example...

Mr. John H. Gomery: Why could we not have the same thing?

The Chair: Your five minutes are up.

Madam Faille, you have five minutes.

Ms. Meili Faille (Vaudreuil-Soulanges, BQ): Thank you, Madam Chair.

I too would like to thank you for being here. You are living your retirement in the beautiful region I grew up in.

Mr. John H. Gomery: It is a region we greatly admire.

Ms. Meili Faille: I would like to come back to the issue my colleague discussed with you, that of the imbalance between the executive and legislative branches, and what you said about the politicization of the public service.

Over the course of the last two years, there have been repeated attempts at changing the appointment process for judges and immigration commissioners and recommendations with regard to the appointment of senior public servants.

Could you provide us with information on this? I will then move on to other questions.

•(0950)

Mr. John H. Gomery: I discovered, during the round table discussions that we held throughout Canada, that the place that I admire the most with regard to the appointment of deputy ministers is the province of Alberta. This is why I mentioned that province in my report as a model to be followed. I do not mean to say that this model should necessarily be followed to the letter, but there should at least be some process so as to allow qualified candidates to apply for these positions, instead of letting the Prime Minister decide on all of that.

I am not asking that the Prime Minister devote his days to the nomination process. Clearly, he will rely on the recommendations of his political assistants. The influence of those people is absolutely immense.

Ms. Meili Faille: With regard to the control of communications and public relations activities, as parliamentarians, we must often review the decisions made by the various ministers. Among other things, we have discussed the sale of the federal buildings. In this regard, the minister came and told us that it was a Cabinet decision. We are having difficulty determining if this decision will truly benefit citizens.

The numerous attempts at obtaining information bring about delays. It can happen that information be contradictory or be twisted. Over recent years, it seems that there has been a concentration of the means of communication within the Prime Minister's Office. Among other things, as far as departments are concerned, it has been said that everything is concentrated at the media level and that it is virtually impossible to obtain information on scientists' reports, for example.

When people request information, it seems that the first reaction is to deny the existence of any information, such that an even greater effort must be made in order to obtain any.

Would you care to comment on this?

Mr. John H. Gomery: That is not the subject of any specific recommendation in my report. However, I discussed reforms proposed at the time in view of changes to the Access to Information Act. If I remember correctly, the party that is presently in power had intended to be a transparent government. The desire was to be transparent and I had hoped that the changes suggested at the time by Mr. John Reid, who was then Information Commissioner, would be adopted. There have been some changes and, today, the Act applies to virtually all Crown corporations.

The other hoped for changes have been looked at for two years now. I do not know why. Honestly, if the government thinks that Canadians will accept that it not be transparent, it is very badly mistaken. In the thousands of responses and comments that we received in the course of our work, everyone, without exception, was in favour of greater transparency. Everyone was of the belief that the time has come to know everything about the workings of the government.

It is perhaps simplistic on my part, but if you have done nothing wrong, then why hide it?

● (0955)

The Chair: Thank you.

Mr. Poilievre, you now have the floor, for five minutes.

[English]

Mr. Pierre Poilievre (Nepean—Carleton, CPC): Mr. Gomery, you've been through quite a series of experiences over the last several years. First, you helped expose what was arguably the largest criminal conspiracy in Canadian history, the Liberal sponsorship scandal. You wrote two reports. Now you're being sued by a former Liberal Prime Minister, Jean Chrétien, who wants to force you to renounce your findings against him.

After the government kept its promise and introduced the Federal Accountability Act, none of the opposition members bothered to bring in any amendments to fulfill your recommendations in that accountability act process. Interestingly enough, they now show some enthusiasm for those recommendations, but during the process in which a committee in this very room was studying the Federal Accountability Act, none of these opposition parties, who collectively have the majority, brought forward your recommendations in the form of amendments to have them legislated into law.

Through all of this, yesterday you indicated that your feelings have been hurt by this rejection of some of your recommendations. I can understand why, having been through what you've been through, this has become somewhat of a personal issue.

What do you believe the motive was of parliamentarians, the majority of whom are from the opposition, not to amend the Federal Accountability Act to include your recommendations?

Mr. John H. Gomery: If you'll permit me, I'd like to make a comment: my feelings aren't hurt.

Mr. Pierre Poilievre: I was just quoting from the *Ottawa Citizen*.

Mr. John H. Gomery: That's the trouble with newspaper reports.

I never said to anybody that my feelings were hurt.

Mr. Pierre Poilievre: Don't pick on the *Ottawa Citizen*.

Mr. John H. Gomery: I said I was disappointed. I find it difficult to swallow, but I have to tell you, I'm very serene about this. My feelings aren't hurt.

I don't want to venture into the area of political motivations, except that it seemed to me obvious that when the Federal Accountability Act was presented, it was politically impossible for the Liberal Party to vote against it, considering what I had said about what had happened in the sponsorship scandal. I think that probably they wanted to forget that whole issue as quickly as possible. I think

that probably motivates them even today. I don't think it's a popular subject for Liberals to be reminded about the sponsorship scandal, so at least dealing with that party, I think I understand perfectly well why they didn't propose any amendments. If you ask me why people didn't propose amendments, I really can't imagine why.

Mr. Pierre Poilievre: It would seem that if the opposition now supports all the recommendations you made—a claim we never made ourselves, but that they are now making of their own political formation—they could have amended the Federal Accountability Act through the legislative process to include those recommendations. They did not.

Our promise, on the Conservative side, was to bring in the Federal Accountability Act, and you rightly point out in your presentation that we did keep that promise. I think you would agree that in many cases your recommendations were addressed by the Federal Accountability Act. In other areas the Federal Accountability Act went further, including bans on big money and corporate cash in the political process and a legislated conflict of interest act, both of which were not contained in your recommendations.

You deserve a lot of credit for the legislative changes that came about in the Federal Accountability Act, even if they weren't written precisely with all your recommendations included in them. We are very grateful for the contribution you have made in that respect.

Mr. John H. Gomery: Thank you, sir.

Mr. Pierre Poilievre: Do you agree with the thrust of the Federal Accountability Act, for example, increasing the number of government bodies covered under access to information by 20 new organizations?

Mr. John H. Gomery: I think that was an excellent initiative, and I think I indicated it is a fine piece of legislation, as far as it goes.

● (1000)

Mr. Pierre Poilievre: Right.

Mr. John H. Gomery: I just think that there were a number of issues that have not really been addressed.

If the government considers these issues and comes to the conclusion that these would not be its policy, for whatever reasons, I would be satisfied with that. I don't pretend to dictate to the government what its policy should be. But when a recommendation is made, it seems to me that it at least deserves to be considered.

I have no indication that many of my recommendations have been given serious consideration, or that they have been considered at all. I don't know to what extent my report has even been read.

Mr. Pierre Poilievre: I can assure you that it has been widely read, and we thank you for having written it.

Mr. John H. Gomery: Thank you, sir.

The Chair: Mr. Poilievre, before we continue, I would like to set something straight.

It can be extremely difficult to amend a piece of legislation once it has passed second reading in areas where there is no mention of—

Mr. John H. Gomery: I think it contains 160 provisions, as well.

The Chair: Yes.

If my memory serves me right, the Information Commissioner came with a number of recommendations. They were put forward as amendments, but they were rejected because they were not within the context of the bill.

I think it's important to remember that when a piece of legislation is drafted, it may not be as easy to amend at that point. That's all I want to say.

I just want to be fair.

Mr. Pierre Poilievre: Point of order, Madam Chair.

The Chair: Yes, sir.

Mr. Pierre Poilievre: There were dozens of amendments to the bill that were accepted and that found their way into the Federal Accountability Act.

Thank you.

The Chair: That is not a point of order, Mr. Poilievre.

We will go to Mr. Silva.

Mr. Mario Silva (Davenport, Lib.): Thank you, Madam Chair and Mr. Gomery.

It's important to note that it was the Liberals who set up the Gomery commission, and we very much support you being here today. It's also important to note that the Conservatives refused any types of amendments to the accountability legislation.

I can tell from your remarks today that—

Mr. Pierre Poilievre: Point of order, Madam Chair.

The Chair: Is it a point of order—

Mr. Pierre Poilievre: It is.

The Chair: —or is just to disrupt the proceedings?

Mr. Pierre Poilievre: It is a point of order.

The Chair: Well, make your point.

Mr. Pierre Poilievre: Yes. The records of legislative proceedings cannot be tampered with retroactively. The reality is that the Federal Accountability Act was amended numerous times, and that record needs to be accurately accounted for.

Thank you.

The Chair: That is not a point of order, Mr. Poilievre.

We will go back to Mr. Silva.

Mr. Mario Silva: Mr. Gomery, you have been totally ignored by the Prime Minister, whom you call a “one-man government”. Your report has been tossed aside by a prime minister who is more interested in the perception of doing something than in actually doing something.

When you speak about your priorities, whether it is the whistle-blowing legislation, access to information, or adequacy of accountability, they have all been ignored. Do you not feel you have been

used by the Conservative government, and the Conservative Party, who said they supported your report, but once they got into power they totally ignored it?

Mr. John H. Gomery: Well, I don't think I'll answer that question directly, because I've tried to remain non-political, and it is not my intention to attack any particular political party or to endorse the program of any particular Liberal Party. I prefer to think of the Government of Canada as representing the public interest and to direct my comments to that.

But let me say that it was the Government of Canada; it wasn't one person. It was the Government of Canada. There was an order in council that came, essentially, from the Privy Council, which is basically the Governor General, that named me. The Government of Canada asked me to make recommendations, and I made recommendations to the Government of Canada—not to the Conservative Party, not to the Liberal Party, but to the Government of Canada.

I thought it was appropriate, after the amount of time and a very considerable amount of money had been devoted to studying these questions, that they would be brought before the attention of the Government of Canada and that there would be discussions.

I just have to judge on the evidence that there hasn't been any discussion that I can see. Maybe there has been, but if there has been, it was done in secret. It certainly was not done publicly, and nobody spoke to me and told me, yes, we're studying this. I had the one conversation with Mr. Baird, who I don't think had read my report at that time, but he was very preoccupied with other matters. He had just been named President of the Treasury Board. I'm sure he had a ton of things to read.

● (1005)

Mr. Mario Silva: But you're frustrated. You said yourself that you're frustrated with the way the government is handling your recommendations.

Mr. John H. Gomery: Yes. I gave them two years. I thought that would give them time to find time to do something. Perhaps I'm naive, but I expected that at the expiry of that two-year period something would be said or done that would indicate that yes, we've looked at your report; we've decided to reject it or we've adopted this or we've done this or that or the other way—but nothing.

Mr. Mario Silva: Do you think the present Government of Canada, the Conservative government, is actually sincere about doing anything about accountability in terms of implementing in any way, shape, or form your recommendations?

Mr. John H. Gomery: Well, I'd just like to know what their attitude is.

Mr. Mario Silva: So you question their sincerity and their...

Mr. John H. Gomery: I have no reason to believe that the present government does not sincerely wish the well-being of the country.

Mr. Mario Silva: Why do you think you've been ignored?

Mr. John H. Gomery: I would just like them to tell me what their reaction is.

Mr. Mario Silva: Why do you feel you've been ignored by the government?

Mr. John H. Gomery: I don't know the answer to that question. It would be pure speculation, and I don't think I should speculate.

The Chair: Thank you very much, Mr. Silva.

Go ahead, Mr. Albrecht.

Mr. Harold Albrecht (Kitchener—Conestoga, CPC): Thank you, Madam Chair.

Thank you, Mr. Gomery, for being here today.

I can certainly echo the words of my colleagues, in that we do appreciate the work that you've done in uncovering a lot of Liberal corruption and arrogance, and I might say even a sense of entitlement that pervaded that entire regime. But you did point out, fairly, that that part was the first part, and that the second part of your report was the most important part. In your report you laid out a number of recommendations to improve government accountability and transparency.

In an article yesterday you were quoted as saying, "I think they owe the fact they are in office to the work of the commission. That wasn't the objective, but it was the consequence and I think they are ungrateful to treat me that way."

We could probably argue at length as to the reason for the change in government in January 2006, but I can tell you that on the doorsteps in my riding, the primary concern of the voters was that we improve the transparency and accountability. Whether that's through your recommendations or through the Federal Accountability Act never was part of the discussion. But you did say today, in response to a question, that all you expected was that your report would be studied, and I can assure you that has happened.

The Federal Accountability Act, without question, is the most comprehensive accountability legislation that's been introduced in Canada, and I might say that was the promise of the Conservative Party during its campaign to introduce the Federal Accountability Act. The promise to adopt every one of Justice Gomery's report recommendations was not part of our platform. But in fairness, we did adopt a number of the amendments that were suggested by opposition members, and that point needs to be made very clearly. There were dozens of amendments that were proposed and adopted in this new legislation.

But I would just like to compare, if I could, just for a moment, some of the recommendations that were made by your report, sir, with some of the changes that are in the Federal Accountability Act. As you pointed out, there are many of them. We could list them by number; I don't want to take all of my time to do that. But recommendations 2, 4, and 5 were adopted, possibly from a little bit of a different perspective, but adopted nonetheless.

The issue of exempt staff having a code of conduct is clearly embedded in the Federal Accountability Act. In fact, not only is it in there, but training sessions have occurred so that exempt staff are included.

Regarding recommendation 15, relating to the registration of lobbyists, you recommended that we increase from two to five years the time the registrar has to file notice of investigation and prosecution. We extended that to ten years.

So I think in many ways, many of your recommendations were adopted, possibly through knowing that they would be part of your recommendations, possibly as part of the process. But my question is this. Do you believe that there is more accountability in government today than there was prior to the adoption of the Federal Accountability Act?

• (1010)

Mr. John H. Gomery: I believe that there's more accountability required of the public service today than was the case in the period that was covered by our inquiry. There's no question about that. Whether that is due to the provisions of the Federal Accountability Act or to other factors is extremely difficult to know.

I am told, and I think it is generally the reputation here in Ottawa, that there is something called the "Gomery effect"—that makes me into an adjective, which I think is very peculiar, a funny feeling for me—which is sort of an attitude in the public service about being very careful about what you do. I think that's great, but as to whether that's because of the Accountability Act or just because people were profoundly embarrassed by what happened during our commission's hearings, I don't know what the reason is.

But I'll say it again to reassure you. I think the enactment of the Federal Accountability Act was a very positive step towards attaining a better degree of accountability in Canadian government.

Mr. Harold Albrecht: So clearly, we're moving in the right direction.

Mr. John H. Gomery: Yes.

Mr. Harold Albrecht: Okay.

I would just like to follow up for a moment, Madam Chair—

The Chair: You have 30 seconds.

Mr. Harold Albrecht: Oh, then I'm going to change my approach.

There's still a fairly large sum of money outstanding—this comes out of the first part of your investigation—and in fact Public Works and Government Services has listed a number of initiatives that are trying to reclaim some of the money that's still owing to Canadian taxpayers, somewhere in the area of \$40 million. I believe that we have an obligation to return this to taxpayers. It might seem like a small amount to people on the other side who consider this government money, but this is taxpayers' money, and I believe we need—

The Chair: Thank you

. We'll allow Mr. Gomery to answer very quickly.

Mr. John H. Gomery: I understand that matter is before the courts and that there is a lawsuit being vigorously prosecuted against people who are alleged to owe money to the government as a result of the sponsorship program. All I can say is that I have a certain sympathy for the judge who's going to have to hear that case.

The Chair: Thank you very much.

Mr. Albrecht, I would like to add to you that our research people were unable to find any information on the code of conduct for exempt staff. Perhaps if we could have that tabled, it would be very good. Thank you.

We will now go to Madame Bourgeois.

[*Translation*]

Ms. Diane Bourgeois: Thank you, Madam Chair. I will be sharing my time with my colleague, madam Faille.

Mr. Gomery, for your personal information, according to the Library of Parliament researchers — and these people are rarely wrong — of the 19 recommendations, only seven have been implemented or partially implemented, if that is of some comfort to you.

Secondly, it is very difficult for parliamentarians, as well as for the reporters who are here, as a matter of fact, to obtain information. My colleague mentioned this earlier. Yes, there is here a culture of secrecy, smokescreens and non-transparency. We would have expected that the Federal Accountability Act would have allowed for a greater flow of information, would have allowed people to be aware of what is going on and would have allowed Canadian and Quebec citizens to know what is being done with their money.

That being said, in the Mulroney-Schreiber affair, the government wishes to set a very restrictive mandate for the commissioner who will be in charge of the inquiry. In your case, I would like to know, briefly, what happened exactly. Was your mandate very restrictive or broad? Were you able to negotiate it? Is it important to have a broad mandate, granting you full liberty, for example, to explore those clues that you consider to be important? Finally, would you recommend that the government appoint the commissioner before setting out the commission's mandate?

Mr. John H. Gomery: There are a lot of questions there, madam.

As for the factual part, I negotiated my mandate with the government of the day. One of the important provisions I negotiated was the right to go wherever I deemed it appropriate in seeking out the truth. I gave myself, through negotiation, a freedom of action that was very useful during the course of my inquiry.

I would recommend to any commissioner of inquiry that he or she be covered by a similar provision. Otherwise, if a mandate is constrained, some people would be able to make criticisms and state that a given aspect was not researched or investigated. For purposes of the protection of the credibility and reputation of the commissioner, he or she must be provided with a certain freedom of action during the course of the inquiry. If it is necessary to negotiate one's mandate, then it follows that the commissioner should be appointed before the terms and conditions of the mandate are set, would you not say? If the mandate is established in advance, the commissioner

is somewhat a prisoner of what was decided without his or her knowledge.

●(1015)

Ms. Diane Bourgeois: Thank you very much.

Ms. Meili Faille: My questions relate to the rules for political party financing. You were not able to discuss this in any great detail. Changes have been made. What consequences might the new rules have? What changes or recommendations could you make in this area?

Mr. John H. Gomery: I do not fully grasp your question.

Ms. Meili Faille: It has been stated that improvements have been made to the rules governing the financing of political parties. Does the bill go far enough? Could it go further still? If such is the case, what would your recommendations be?

Mr. John H. Gomery: It is difficult for me to remember all the details of this reform, but it is very good overall.

One thing that frustrated us during the commission's work was the fact that a good many of the breaches of the Electoral Act were committed at a time such that no legal action could be taken.

Ms. Meili Faille: There was a limitation period.

Mr. John H. Gomery: It was necessary to extend the period for legal prosecution purposes. I believe that the Act has been amended to this effect. Virtually all of the breaches that were discovered had taken place at a time such that we could no longer charge anyone.

Ms. Meili Faille: Thank you.

[*English*]

The Chair: Mr. Pat Martin, please.

Mr. Pat Martin (Winnipeg Centre, NDP): Thank you, Chair.

Thank you, Mr. Gomery, and good morning.

Mr. Gomery, the way I see it, the greatest injury coming out of the sponsorship scandal, or any scandal, is not necessarily the money that may or may not have been pilfered away. It's the blow to the public's confidence in its institutions. Let me say that I think it had a soothing effect for Canadians to turn on their TVs, week after week, and see a good and decent man like you doing your darndest to get to the bottom of that scandal. We have another one brewing. We've just finished, at the ethics committee, dealing with the Schreiber-Mulroney affair. I'd like to ask you what you're doing for the next 18 months or so, if you wouldn't mind helping the nation once again, because there's a gaping—

Mr. John H. Gomery: My cows are about to give birth to their calves, and that's my principal preoccupation.

Mr. Pat Martin: I understand fully.

I have two brief issues and I have very little time.

Let me talk about one of your recommendations on the ministerial accountability and responsibility that you've made reference to. We're embroiled now, as you've noticed in the paper, in what they're calling NAFTAgate, where two of the most senior officials in the country are at the heart of this scandal.

If the rules you recommended were in fact put into effect regarding ministerial accountability, what effect would that have had on this case in point, this example we have before us today?

• (1020)

Mr. John H. Gomery: That's a very hard question. I don't know that I could answer that question.

These were exempt staff, were they?

Mr. Pat Martin: Yes.

An hon. member: One ambassador and one chief of staff.

Mr. Pat Martin: I have the floor and very little time.

Mr. John H. Gomery: Once again, one of the problems I thought we dealt with in the report and recommendations is that the exempt staff in the Prime Minister's Office, or in any ministerial office, don't seem to be the subject of any laws.

Mr. Pat Martin: A law unto themselves.

Mr. John Gomery: It seems to me that's a situation that should be addressed and dealt with by a code of conduct, or a law, or something so that people cannot run around and say they work for the Prime Minister of Canada, and he thinks this or he thinks that. Who knows whether they are speaking the truth and whether in fact they are representing the public interest or the Prime Minister's wishes, and so on? As it stands, of course, the Prime Minister now can say "No, no, I never authorized that statement to be made". There's just no *encadrement* that I can see for this staff. I think that's something that is a matter of concern.

Mr. Pat Martin: Thank you.

It was a culture of secrecy that I think you and others have identified that allowed corruption to flourish, not just in the last regime but perhaps building up over decades in Ottawa. That freedom of information, access to information, is such a cornerstone. Sunlight is a powerful disinfectant, they say.

John Reid came to your commission and articulated a clear plan of action. The Conservatives ran on this, actually. When they say the Gomery commission defeated that government and elected that one, the first point in their accountability promises to Canadians was a comprehensive reform of the Access to Information Act. Yet it was yanked out of the Federal Accountability Act, wholesale. The whole chapter was virtually removed and a paltry pittance replaced.

Do you agree with us that perhaps the single most important thing we could do would be a revamp of our freedom of information laws in terms of elevating ethical standards by shining a light on activity?

Mr. John H. Gomery: Of course we recommended that these reforms proposed by Mr. Reid be implemented to a very great extent. There were a couple of reserves about some of them, but generally speaking, they were there.

I think that the era of secrecy in government is the past. I am convinced that any government that behaves secretly is eventually sowing the seeds of its own defeat because the public is so insistent upon knowing what is going on. There was a time when perhaps a less-well-educated electorate would tolerate a certain level of secrecy in government, and I think that era is over. I think every government is going to have to recognize that. It's not only the government that

resists this; I think the public service resists it as well, and I just think it's too bad. They're going to have to get used to the fact that the public is going to insist on its right to know what's going on.

Mr. Pat Martin: The right to know—that's excellent. Thank you.

The Chair: We'll go with Mr. Brown.

Mr. Patrick Brown (Barrie, CPC): Thank you, Madam Chair.

Let me echo what some of my colleagues have said and thank you, Mr. Gomery, for the work that you have done. Certainly there is a tremendous appreciation for it, and I think Canadians are well served by the work you did in uncovering one of the greatest Liberal corruption scandals in government history, not only in Canada but around the globe.

I want to mention a few things in my comments and then get your thoughts on them. At the start of today's session I heard Mr. Holland talk about how all the political parties were for accountability. I just want to note before I delve into this that the Liberals were in power for a long period, and suggesting the Liberals are on the cusp, after all those terms, if they had only had a fifth term they would have acted on accountability, is like suggesting you're going to wait for season tickets for the Quebec Nordiques. We know what that party's track record was, and I want to point to some of the things that have been accomplished. There are some very direct areas where your recommendations have resulted in substantive change for the Government of Canada because of the work that you've done.

I'd like to point out a few. Your recommendation number two is:

The Government should adopt legislation to entrench into law a Public Service Charter.

Well, that's done, through the Public Servants Disclosure Protection Act.

Your recommendation number four is:

In order to clear up the confusion over the respective responsibilities and accountabilities of Ministers and public servants, the Government should modify its policies and publications to explicitly acknowledge and declare that Deputy Ministers and senior public servants who have statutory responsibility are accountable in their own right for their statutory and delegated responsibilities before the Public Accounts Committee.

Well, that's done in the Federal Accountability Act.

Your recommendation number five is:

The decision of the Minister should be recorded in correspondence to be transmitted by the Deputy Minister concerned to the Comptroller General in the Treasury Board Secretariat, and be available there for examination by the Office of the Auditor General.

That's also done in the Federal Accountability Act.

Gomery recommendation number 10 is:

The Government should remove the provision in the law and in its policies that enables exempt staff members to be appointed to a position in the public service without competition after having served in a Minister's office for three years.

That is also done in the Federal Accountability Act.

Gomery recommendation number 11 is:

The Government should prepare and adopt a Code of Conduct for Exempt Staff that includes provisions stating that exempt staff have no authority to give direction to public servants and that Ministers are fully responsible and accountable for the actions of exempt staff.

That's also done in the Federal Accountability Act, a guide for ministers.

• (1025)

The Chair: There's a point of order here.

[Translation]

Ms. Diane Bourgeois: I rise on a point of order, Madam Chair. I simply wish to underscore the fact that, given that the member opposite has just stated that there are some elements that have been done...

[English]

Mr. Patrick Brown: Is this a point of order? This is not a point of order.

The Chair: It's not a point of order. *Ce n'est pas un point d'ordre.*

[Translation]

Ms. Diane Bourgeois: What can I do?

[English]

Mr. Patrick Brown: Wait your turn.

[Translation]

Ms. Diane Bourgeois: Judge Gomery is being told tall tales. This is not true.

The Chair: We are going to allow Mr. Brown to continue. Mr. Gomery is capable of defending himself and of distinguishing between what is true and what is not.

[English]

Mr. Brown, continue for another two minutes.

Mr. Patrick Brown: Gomery recommendation 14 was also accepted by the Federal Accountability Act.

Gomery recommendation 15, "The Registrar of Lobbyists should report directly to Parliament on matters concerning the application and enforcement of the Lobbyists Registration Act", has not only been accepted by the Federal Accountability Act and implemented, it has gone even further. It has extended the period to ten years in which violations can be investigated and prosecuted.

Gomery recommendation 17, "The Financial Administration Act should be amended to add a new section stipulating that deliberate violation of section 34 of the Act by an employee of the federal government is grounds for dismissal without compensation", is also achieved in the Federal Accountability Act.

What I am trying to get to by pointing to these examples is to highlight to you and to those watching that your work has resulted in massive change, and that's why it's so appreciated that you're able to delve into this massive Liberal scandal with such an effect that we've been able to change the way in which government is done. That's why many people refer to the Federal Accountability Act as the toughest anti-corruption legislation ever presented in the House of Commons.

I want to note that the Federal Accountability Act was something that we all campaigned on. I remember that winter election where we would trudge through snow and we told this to Canadians.

It wasn't one person who came up with the Federal Accountability Act. It wasn't one person who decided on it. But it was the collective wisdom of Canadians who supported that, and I think, as a political party, when we presented this, and as a government, we had that obligation to Canadians, because it was Canadians who voted on it and it was Canadians who expected us to deliver on the Federal Accountability Act.

In terms of the four aspects of the Gomery recommendations that relate to the public accounts committee, obviously that's a decision of the public accounts committee. I know it's chaired by an opposition member. I don't imagine they're trying to sabotage those recommendations of yours. I know they've been preoccupied with some other things. It would be my hope that the opposition members on that committee would certainly adopt those.

But I want to close with a question. Given all the work you've put into this, are you satisfied that we're stepping forward in the right direction? And looking back, do you believe those Liberal operatives who were involved in this massive scandal have been adequately held responsible?

Mr. John H. Gomery: Well—

The Chair: You don't have much time to answer, unfortunately.

Mr. John H. Gomery: I'll answer briefly.

I think I've already answered that the Federal Accountability Act is certainly a step in the right direction, but it was not a response to my report. My report hadn't even been filed and deposited at the time they drafted that. In other words, the Federal Accountability Act anticipated some of my recommendations. I think it did not anticipate the others, and the others have been ignored. I think that's the answer to your question.

As far as whether people have been held adequately responsible, that's a matter for the police and Parliament, and things like that. I was not allowed by the terms of reference to make findings of criminal or civil responsibility. That has to be left up to the courts.

• (1030)

The Chair: To be fair, before I let anybody else continue, there was a piece of legislation that had passed under the Liberals, Bill C-11. Bill C-2, their accountability bill, amended some provisions of that and added to that, but they didn't invent the whole thing.

I just thought I'd square the circle.

Mr. John H. Gomery: I think all political parties were falling all over each other to work on accountability issues as a result of my first report.

The Chair: That's right. Absolutely.

I'd like to go now, for five minutes, to Mr. Holland.

Mr. Mark Holland: Thank you.

Mr. Gomery, the truth is that all impropriety that happens at any point in time hurts not only the political party of the day but hurts our Parliament and hurts our system overall, and whether or not it was under Brian Mulroney or under a Liberal government, or whether or not it's the various affairs that this current government is involved in, this hurts us.

One of the things I take pride in is that our government, despite a very difficult time, made a very difficult decision, which was to ask you to look into this affair and ensure that it wouldn't happen again. Therefore, so that it's clear, I certainly can speak not just for myself but for our party, that we're happy to talk at any time, in any place, about your recommendations and the need for them to be implemented. I think it's essential that it happens.

I do not want to see my reputation or those of any parliamentarians hurt because we make the same mistakes again. We should learn from history and not be doomed to repeat it.

In that regard, whether or not it's fighting for a public complaints commissioner to be put in immediately, whether or not it's talking about the complaints the information commissioner has and the recommendations you've made in that regard that haven't been fulfilled, those key recommendations and those main recommendations that you talked about that haven't been implemented have to be. When we've put them forward, unfortunately we haven't gotten the progress that we want.

So I want to come back to this point just for a second, because it's crucial. We've heard from government members that they appreciate what you've said, but to be clear, you have never gotten a letter saying that. You've never received correspondence saying "We've read your report, we've considered your recommendations, we disagree with your recommendations, we're going to accept some, we're going to take another year to implement them." You've received nothing back in terms of what this government intends to do with those recommendations. Is that correct?

Mr. John H. Gomery: That's correct.

Mr. Mark Holland: I think that's a poignant point, because we're all left to wonder where we are going with this. You yourself said those are the key recommendations and they leave others outstanding. I think they've already led to other problems and to other improprieties that damage not just political parties but our political process and us, as parliamentarians, overall.

I want to come back to this point of executive versus legislative power and the fact that over the last number of years we've seen an acceleration of the trend you've described toward a concentration of power in the hands of the Prime Minister and the PMO. You said we're heading toward a one-man government, if we're not there already. When I was in school, one-man government was called a dictatorship. So what we're heading toward is a dictatorship with term limits, almost.

How do we best combat this? Because this is something I'm concerned about. Would you agree that this trend has been accelerating in the last number of years, that we're seeing even more concentration in the PMO, and that your concerns, as you expressed them two years ago, perhaps would be even more elevated today?

Mr. John H. Gomery: I think it's a key problem, and it's hard to figure out the remedy. The last information I had, about 100 staff in the Prime Minister's Office were exempt. And if you go back to the days of Diefenbaker and Pearson, I doubt they had more than 10 or 12 political staff in their offices. So this has been a huge growth. I think it deserves attention, because as I've already said, these are unregulated personnel, and they aren't accountable to anybody except to the person who is the head of their office, the chief of staff, who is himself unelected.

I chose to deal with that by making certain recommendations that would have the effect of increasing the visibility and functions of individual members of Parliament, and I think this committee is a good example of the kind of check that can occur on the powers of the Prime Minister's Office. So I applaud the hearings taking place today, and I applaud similar committees, such as the public accounts committee, which deals with financial matters, and other committees.

I think this permits individual members of Parliament to hold the government to account. The traditional role of Parliament is to hold the government to account. I'm not so clear on restricting or checking the expansion of this exempt staff, except I think some rules should apply to these people. I've heard there are some training sessions. I'm delighted to hear that. I'm not so sure what training they're receiving, but in any event I think that's a positive step.

•(1035)

Mr. Mark Holland: One of the things that—

The Chair: Thank you, Mr. Holland. Your time is up.

We'll go to Mr. Warkentin.

Mr. Chris Warkentin (Peace River, CPC): Thank you, Madam Chair.

Thank you, Mr. Gomery, for being with us this morning.

You could have said only one thing to endear yourself to my farmers even more this morning, and that was the fact that you are going to be involved in calving season shortly. They appreciate a man who understands what they're involved in, as well.

Mr. John H. Gomery: I know what's truly important.

Mr. Chris Warkentin: Absolutely.

I'll tell you that those same farmers were very interested in the media attention brought to you a couple of years ago because of your uncovering of the huge Liberal sponsorship scandal. Thank you very much for doing that on behalf of Canadians, really.

You said something interesting about transparency, which was that Canadians are going to continue to demand more and more transparency. I think you're right. I think we live in a day and age when things in the past that could be held secret can't be. I certainly think there's a trend in terms of increased media availability and increased technologies that really do inform the electorate. I want to concur with you on that.

I think there's no question, especially as I look at my generation, the generations to follow, that we will live in a completely different world from what our parents and grandparents lived in.

Along with that, there's a responsibility, as far as the government is concerned, to continue to bring transparency and to open itself up to the public eye. Obviously, there are some challenges in doing that.

I think it's very interesting. I've read this letter that many people, eminent Canadians, have signed off on, including a Liberal candidate who's running in a byelection right now, Mr. Bob Rae. They talk about the report, and they talk about complex matters that could have far-reaching effects:

...effects that in some cases, we believe, would be very damaging. It is important that you should take enough time to make a careful assessment of your own before deciding which of Justice Gomery's recommendations should be implemented.

After two years, we look at the recommendations. We see that a good number of them have been implemented, a majority of them, at least in part. As we proceed, obviously, there is going to be more attention drawn to this. There's going to be more of a desire to see this.

Is there anything you felt, looking at it today, you left out of the recommendations, things that could have been added or things you see differently than when you put the report together?

Mr. John H. Gomery: Well, I'm not going to pretend that my report was perfect or that it was carved in stone, or should be carved in stone. Obviously, everything I've ever done could have been done better, I guess.

When we were discussing my report with my advisory committee, we talked about various possibilities. One would have involved a report that contained hundreds of recommendations, and we thought about that. It would have been very detailed. I said no, that's too easy for governments to forget. When they get massive recommendations, it is impossible for them to digest, so they don't.

We deliberately restricted it to 18 plus one, with the time delay. I remember saying I think we should shoot high; we should aim high, we should aim for a fundamental change. I'm afraid that it's the fundamental change that has not taken place.

• (1040)

Mr. Chris Warkentin: I would differ from you in some respect on that. I don't want you to be discouraged about the effect you've had on Parliament, on society, or on the culture of government. I think it's important for you to know—if nobody else tells you, you won't know, I guess—that the Gomery report is considered often. It is referred to often, be it behind closed doors or be it within committees like this, as well. Absolutely, it is.

Mr. John H. Gomery: It's the subject of university courses.

Mr. Chris Warkentin: It should be, and I think that speaks to the impact it's had and continues to have.

Although you have some concerns with regard to the implementation or when the Federal Accountability Act was brought forward, I think it's important that you recognize the impact you had even before the report was completely finished. Obviously, you can understand the fact that the Federal Accountability Act was being

promoted and was being put together prior to your report coming forward. So obviously there's complexity there.

Obviously the toughest anti-corruption legislation that's ever been brought forward has your fingerprints all over it, Mr. Gomery.

The Chair: Thank very much, Mr. Warkentin.

I don't know if you want to give a brief answer.

Mr. John H. Gomery: No, thank you; that's fine.

The Chair: Please go ahead, Madame Folco.

[*Translation*]

Ms. Raymonde Folco: Thank you, Madam Chair.

I understand your sentiment, Mr. Gomery. In French, we say that politeness is important. In my view, the Prime Minister or those persons responsible could have sent you an acknowledgment of receipt, simply to inform you that they did receive the package and are reflecting upon it. That was the least they could have done. If I understood correctly, you did not even get an acknowledgment of receipt, is that so?

I would like to come back to an issue that I am not sure is more important or less important, and that is your meeting with Minister Baird when he was President of Treasury Board. It was reported in the newspapers that you gave the impression that Minister Baird was, at the time, much more worried about the possibility that you might cause damage to the Conservative government than about the government's own bill. You made mention of that quite a while ago.

I would like to know precisely, given that we do not have very much time here, what the minister said and what his concerns were as to the problems that you might create for his government.

Mr. John H. Gomery: You are asking me to remember something I cannot. I did not take notes. I can simply relay to you impressions drawn from my memory.

Ms. Raymonde Folco: But this is rather important.

Mr. John H. Gomery: I clearly recollect — I went back home after that meeting — having told my wife that my impression was that Mr. Baird was very relieved to know that I would remain a judge for a long time and that I would not be making political comments about the future of the recommendations contained in my report. I indeed had to hold my tongue because of my work as a judge. It was an impression. However, I cannot quote the words the minister said to give me that impression.

Ms. Raymonde Folco: Mr. Gomery, could you be more specific with regard to your concerns?

Mr. John H. Gomery: Obviously, had I not been obliged to stay silent with regard to my recommendations, I would have accepted the thousand and one requests I got for television interviews, for example. After tabling my report, I was sought out by journalists and all sorts of people to comment on the Federal Accountability Act. I refused all of those interview requests.

Ms. Raymonde Folco: It is never too late, sir.

Mr. John H. Gomery: Today, I am much freer, and this is why I am here.

Ms. Raymonde Folco: Madam Chair, I would like to share my time with my...

• (1045)

[English]

Hon. Shawn Murphy (Charlottetown, Lib.): Thank you.

Madam Chair, I have a comment and a question.

Mr. Gomery, I've spent seven years on the public accounts committee, the last two as chair, so I've lived through this issue for a very long time—

Mr. John H. Gomery: Are you no longer on that committee?

Hon. Shawn Murphy: I am on the committee. I chair the committee right now.

Mr. John H. Gomery: As you know, one of my recommendations was that people should be on it for a long time.

Hon. Shawn Murphy: Well, I've been on it for a long time.

I read your report several times. You made 19 good recommendations. I don't necessarily agree with all the recommendations, but the overriding concern, the broad brush, was to make some attempt to rebalance the relationship between Parliament and government.

Your 19th recommendation was for a response to be tabled in Parliament within two years, and that has not been done. I, like you, am disappointed, because the recommendations and the government's response should have been subject to debate in Parliament. They're under no obligation to accept them, and it's not your job to dictate to them, but there were some good recommendations there. Unfortunately, your report is now gathering dust on the bookshelves of Ottawa.

My question, sir, is on one of the responses. It is about your recommendation on the accountability of deputy ministers before committees, specifically the public accounts committee. The government did respond. Actually, I was satisfied with the response in that particular act: that deputy ministers are accountable to the appropriate ministers for the compliant and prudent financial administration of the departments, the establishment and maintenance of internal controls, and the signing off on accounts. I was fairly satisfied, but once the act was proclaimed, they interpreted it totally differently from what the act states, in that the deputy ministers are accountable only to their ministers and not to any committee in Parliament—not to Parliament at all.

The public accounts committee has adopted a protocol in line with your recommendation and in line with the actual wording of the act. I don't know if you're following that issue, but do you have any comment on that particular issue?

Mr. John H. Gomery: Yes, I'm happy to.

My recollection is that the public accounts committee unanimously recommended to the government that deputy ministers should be accountable to the public accounts committee, and not as is the current practice, that they respond only in the name of their minister. I thought that would carry more weight than it did carry as against a letter received from some very highly placed people, which seems to have influenced the Prime Minister to decide not to follow that recommendation, not to follow the recommendation of my

commission, not to follow the recommendation of the public accounts committee, not to follow the recommendation of the Lambert commission 30 years ago. It seems to fly in the face of all the opinions.

The reason for the desirability of a certain level of accountability by deputy ministers is to depoliticize their position. As matters stand, the only person to whom a deputy minister needs to account for his actions, whether he's made a terrible mistake, whether he's neglected his responsibilities, whether he's committed some sort of an illegality, is to either his minister or the prime minister—the minister because he's the person who oversees the government policy in his particular department, and the prime minister because it's the prime minister who names the deputy minister. The public or individual parliamentarians never have the right to ask a deputy minister, why did you do this, or explain why you failed to do this. Nobody can ask that question. They are unaccountable.

The Chair: Thank you.

Mr. Poilievre.

Mr. Pierre Poilievre: Mr. Gomery, earlier on I forgot to cite the quote in which you indicated that your feelings were hurt. I just want to make clear that came from March 12 in the *Ottawa Citizen*, and there's a quote here about your hurt feelings. I don't doubt for a second that's not exactly what you meant. You mentioned that you're not always pleased with what—

Mr. John H. Gomery: Mr. Poilievre, what happened in the real world is that I received a telephone call in the kitchen while I was preparing dinner, and it was from Kathryn May, who I have known now for several years because she's followed the affairs of the commission. I'm on a very friendly basis with her.

• (1050)

Mr. Pierre Poilievre: We all know her around here.

Mr. John H. Gomery: She and I had quite a long conversation in which I talked about various things, and she, as is her job, reported those in a news article. She said that my feelings are hurt, but I don't think I said to her that my feelings are hurt. She may have interpreted my reaction in that way. Anyway, if I have to repudiate it, I repudiate it. My feelings aren't hurt.

Mr. Pierre Poilievre: I think we're all relieved to hear that. We all know Kathryn May around here. She's a very solid professional journalist, but I know that she'll be writing about all the good things that you said about the Federal Accountability Act in tomorrow's *Ottawa Citizen*.

[Translation]

The Federal Accountability Act that we have talked about is the most severe anti-corruption law ever in the history of Canada. It is what we promised during the election campaign. I wish to say this in French because we promised such an act during the 2005-06 election campaign, and that is precisely what we did as soon as we came to power. You have already mentioned that you were in favour of several of the clauses of that bill and that you believe that this act represents a tremendous improvement. I agree with you.

[English]

There has been talk about the accountability that is thrust upon members of political staff, and somebody I think indicated that there are no rules for political staff. In fact there's a very extensive guide right here—it's a guide for ministers and secretaries of state—and it includes a whole list of rules for their staff. These guidelines are very strict and they limit employment opportunities that political staff can pursue after they leave.

Mr. John H. Gomery: These are guidelines, I gather, that are written by the Privy Council Office probably, or written by I don't know who, but they don't have the force of law. They've never been adopted by anybody. They've never been debated. Excuse me for interrupting you, but guidelines are guidelines. They're in no way enforceable.

Mr. Pierre Poilievre: For example, we have rules that forbid political staff members from becoming lobbyists within five years of their employment in a ministry.

Mr. John H. Gomery: That's in the law.

Mr. Pierre Poilievre: That is in the law. That is enforceable. Yes, it's in the law. That's in the conflict of interest legislation. We took that from the guidelines and we made it into statutory legislation. That is present.

These guidelines make it clear that, for example, political members are not allowed to own shares in the stock market; if they do, they have to put it in a complete blind trust. That is, I can assure you, very strictly upheld.

These are changes that have limited the ability of political staff members to get engaged in conflicts of interest and to use their influence in order to profit unethically after leaving office.

Would you not agree that these are positive developments?

Mr. John H. Gomery: Absolutely. I agree with them entirely.

Mr. Pierre Poilievre: Okay.

I think what's lost in a lot of this debate is the fact that a lot of members of Parliament from all parties helped construct the Federal Accountability Act. The bill accepted in the neighbourhood of, I think, 50 substantive amendments from the opposition—most of them, in fairness, coming from the NDP—to expand access to information, to strengthen whistle-blower protection.

A lot of that took into consideration the recommendations that you, sir, made. So I think you need to give yourself credit for the fact that your recommendations did make their way into the statutory law that we call the Accountability Act.

Would you not agree that at least your recommendations influenced that committee throughout its proceedings?

Mr. John H. Gomery: I hope so; I certainly hope so.

Mr. Pierre Poilievre: Thank you.

The Chair: Thank you.

Mr. Poilievre, I see you have what appears to be a code of conduct that we've never seen. Could you please table that with the committee?

Mr. Pierre Poilievre: I would be delighted.

The Chair: Very good.

Mr. Pierre Poilievre: I also have the article from Ms. Kathryn May. I'll table that as well.

The Chair: That's fine.

We will go to Mr. Holland.

Mr. Mark Holland: The problem with these guidelines—and I think, Mr. Gomery, you were alluding to this—is that they are, in most cases, just that. In fact, if we look at the case of Linda Keen, it is these same guidelines that state that a minister shall not be contacting an arm's-length officer. Yet there were no consequences for Mr. Lunn. Why? Because it's not entrenched in law.

So while there may be one or two examples, I think the reality is that when violations of these guidelines occur—and we've seen it in recent examples—there's great vulnerability because it's not entrenched in law. Would you agree with that?

• (1055)

Mr. John H. Gomery: If it's a guideline, and the particular staffer in question does something that he or she should not have done, there's no consequence unless the minister chooses to dismiss the staffer—

Mr. Mark Holland: Or themselves.

Mr. John H. Gomery: —yes—or there's some discipline.

As I say, something will only have a consequence if there is some legal sanction. I learned that as a judge. You have to have a legal sanction in order to enforce a guideline. A guideline can be enforced or it can not be enforced.

Mr. Mark Holland: I think we did see that in the case of what happened with Minister Lunn.

We're coming to the end of our time, but I want to say that the important thing I take out of this, I think, is not to say “Thank you, take care”, and off into the sunset we all go. Instead, it is to say that the main recommendations that you put forward have not been implemented.

While we did get Bill C-2, which was essentially a retooling of Bill C-11 from the previous government, the reality is that the main recommendations you have put forward have not been adopted. I think one thing we have to do as a committee is ensure that this happens.

To talk about other guidelines.... And this comes back to your point about committee. I think committee does play an essential role in being able to hold government to account, asking questions that maybe governments don't want to have asked. What we saw in the in-and-out scandal, what we saw in the Cadman affair, was the use of guidelines put out by the Prime Minister's Office on how to disrupt committee meetings, on how to use procedural rules to frustrate committees from asking questions that they want to have asked.

So the dilemma we're faced with in committee is that if the government decides they don't want to deal with something the opposition wants to ask about, they simply leave the room, or the chair disappears into the night, or they close the doors, or they don't show up.

I wonder if you have any recommendations there. Certainly the committee should be master of its own will. Opposition parties, I'm sure you would agree, must be able to ask these questions.

Do you have any ideas on how we could get around these procedural games that have been put forward in this playbook that has been advanced?

Mr. John H. Gomery: You need to have a very experienced chair who keeps a firm hand on the proceedings, it seems to me—such as the chair present here.

Mr. Mark Holland: We have a fine and exemplary chair, I would concur with that assessment.

The problem, Mr. Gomery, is when we have a chair who leaves instead of taking a vote. We just had that in the justice committee yesterday; it has happened twice.

Do you have any ideas on how we address that? Certain committees don't even sit any more because we can't—

Mr. John H. Gomery: You're into an area of parliamentary procedure, and I'm not an expert on that, so I don't think I'm going to answer that.

This is part of parliamentary debate. I'm sure parliamentarians have been dealing with this for hundreds of years, and will continue to do so.

Mr. Mark Holland: The point I make, just to conclude, is that you talked about—and you would agree—the fact that committees are one of the main vehicles Parliament has at its disposal to exercise that balance you talked about. Would you agree with that? Maybe you'd comment on it.

Mr. John H. Gomery: I agree with that. I think the committee system is an extraordinarily effective way of checking any autocratic tendencies on the part of the government.

Mr. Mark Holland: And it would be extremely important that balance be maintained and that committees be given the opportunity to exercise their duties and their work.

Mr. John H. Gomery: Yes.

Mr. Mark Holland: Thank you very much.

The Chair: We have very few minutes. We have another committee about to start in this room, and I'm going to allow all of the people who are on my list to speak, but I'm going to try to keep it short. I have Madame Faillie, Mr. Kramp, and Mr. Mulcair.

[*Translation*]

Madam Faillie, please try to be brief.

Ms. Meili Faillie: I would like to add to what my colleague, Mr. Holland, was saying. For some time now, we have seen the Conservatives attempt to use reporters to discredit those issues that make them uncomfortable. Every time they are questioned, they tell us that they have received information — from I do not know

where — and they attack the credibility of what is being reported by the media.

Today, you expressed the desire that there be a fundamental change, but you know full well that this change will not come overnight.

We can read the following in the first paragraph of the newspaper article:

The man who headed the sponsorship inquiry believes that Prime Minister Stephen Harper seems to have abandoned his commitment to government transparency, preferring a style of government that concentrates power in his hands.

Are you in agreement with that? I believe that, to summarize, we could say that to share information is to share power.

• (1100)

Mr. John H. Gomery: That interpretation of what I stated is not completely false, I agree. As a member of the legal profession, when there is any misunderstanding as to what a witness wanted to say, I read the transcript of the statement. In a newspaper article, the journalist is not transcribing, but interpreting. I do not dispute that interpretation.

[*English*]

The Chair: Mr. Kramp, for two minutes.

Mr. Daryl Kramp: Welcome, Mr. Gomery. Thank you so kindly for being here today.

Obviously your report went a long way in dealing with the previous Liberal...the criminality, the lack of accountability, the lack of integrity. But most importantly, I think Canadians today have accepted a broad number of your recommendations, either through parliamentary or real life's experience. As such, I think Canada is a better place for it.

I think there needs to be work done yet. I think we all recognize that. There's one thing I'd like you to reflect on, when you're sitting down at Havelock at some particular time, though. That is the number of esteemed citizens, whether it was Bob Rae, John Manley, Professor Tom Courchesne, Herschel Ezrin, Arthur Kroeger—I could go through a list of some 40 people—who expressed some reservations regarding your perception of governance. I really do believe this is an area we could expand upon, and both the public accounts committee and the government operations committee could take a serious interest in trying to improve how this whole House of Parliament works.

So certainly by no means consider this case closed. It's an ongoing process. Government, Parliament is just that, and your contribution has certainly been welcomed and appreciated.

Mr. John H. Gomery: Thank you, sir. Very kind remarks.

The Chair: Thank you, Mr. Kramp.

Mr. Mulcair, for one final question.

[*Translation*]

Mr. Thomas Mulcair (Outremont, NDP): Thank you very much, Madam Chair.

Good morning, Mr. Gomery. I listened carefully to what you said earlier about deputy ministers, especially the actual deputy minister of a department, and I have a question for you. People often say that a picture is worth a thousand words. Sometimes, a concrete example plays the same role and helps to understand.

At the present time, there is a case involving that person who is, for lack of a better term, the first among actual deputy ministers, namely the Clerk of the Privy Council. He has been asked to look into what the first chief of staff, the Chief of staff of the Prime Minister, did in a case involving NAFTA. There is also, if I dare say, the first diplomat, who is the Canadian Ambassador to Washington. In that case, the Prime Minister's Office decided to charge the Clerk of the Privy Council with carrying out that inquiry to determine what was done by the Prime Minister's Chief of staff and the Canadian Ambassador to Washington.

Is that sufficient? If not, could you suggest to us what we should do in order to clear up such a situation, apart from launching a much more formal inquiry, be it judicial or not?

Mr. John H. Gomery: That certainly is the way such affairs were dealt with in the past. Obviously, it is greatly dependent upon the independence of the Clerk of the Privy Council. If the Clerk fits the mould of certain people who have held the position in the past, such as Mr. Gordon Robertson, who is perceived as a model for the Clerk of the Privy Council, all the better. Mr. Robertson had much authority and independence.

I noted a problem. It was, as a matter of fact, the object of another recommendation that was not followed. I recommended that the role and status of the Clerk of the Privy Council be somewhat modified. Indeed, this person is in such close contact with the Prime Minister — being appointed by the latter — that it is difficult for him or her to retain his or her independence and objectivity. That being said, I make no comment whatsoever with regard to the present clerk.

The Chair: Allow me to take a moment to thank you for having spent these two hours with us. Thank you very much.

The Committee now stands adjourned.

Published under the authority of the Speaker of the House of Commons

Publié en conformité de l'autorité du Président de la Chambre des communes

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